

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL -8 AM 9:45

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UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
 Miguel RUMBO-Bustos,)
 Defendant.)

CLERK U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 Magistrate Case No. _____

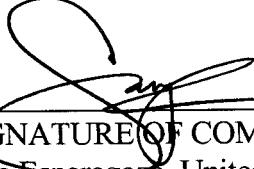
BY _____
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
 Attempted Entry After
 Deportation

The undersigned complainant being duly sworn states:

On or about **July 7, 2008**, within the Southern District of California, defendant **Miguel RUMBO-Bustos**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Otay Mesa Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Espana, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8th** DAY OF **JULY**, 2008.

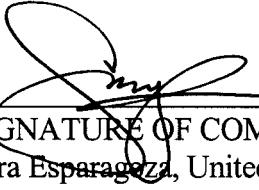

 UNITED STATES MAGISTRATE JUDGE

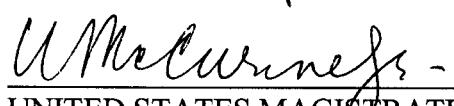
PROBABLE CAUSE STATEMENT

On July 7, 2008 at about 2020 hours, **Miguel RUMBO-Bustos (Defendant)** attempted to enter the United States on foot from Mexico through the Otay Mesa Port of Entry. A Customs and Border Protection (CBP) Officer from the Anti-Terrorism Contraband Enforcement Team (ATCET) heard Defendant yelling and causing a disturbance in the pedestrian facility of the port. The CBP officer approached Defendant, who orally claimed to be a Lawful Permanent Resident of the United States and stated he was going to California. The CBP officer requested the permanent resident card from Defendant as proof of admissibility into the United States. Defendant stated his wallet was stolen in Mexico along with his permanent resident card. Defendant gave a negative Customs declaration to the CBP officer. The CBP officer noticed Defendant appeared to be nervous and elected to escort Defendant to the Otay Mesa Port Enforcement Team (PET) for further inspection.

In secondary, a CBP officer performed a query of Defendant's fingerprints and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a deported alien and citizen of Mexico. Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to FBI and Immigration Service records.

Immigration Service records to include the Deportable Alien Control System (DACS), identify Defendant as a deported alien. DACS information indicates that on or about April 12, 2001 an Immigration Judge ordered Defendant deported to Mexico and Defendant was physically removed from the United States through the Calexico Port of Entry on or about April 13, 2001. DACS information further reveals that Defendant was last physically removed from the United States to Mexico on or about April 14, 2008 through the San Ysidro Port of Entry. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.


SIGNATURE OF COMPLAINANT
Sara Esparageza, United States Customs
and Border Protection Enforcement Officer


W. McCurdy -
UNITED STATES MAGISTRATE JUDGE